

**WALLA WALLA COUNTY  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
Record of Decision**

Received:

*Date Stamp*

Reviewed by: \_\_\_\_\_  
Date Reviewed: \_\_\_\_\_

Applicant: Snake River Vineyards

Application Number: WRATS CS3-\*18108CWRIS

This record of decision was made by a majority of the board at an open public meeting of the Walla Walla Water Conservancy Board held on 6/09/04.

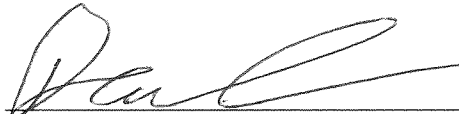
**XX Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 6/09/04 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on \_\_\_\_\_ and submits this record of decision to the Department of Ecology for final review.

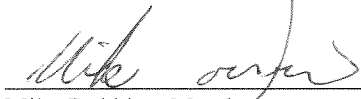
Signed:

  
\_\_\_\_\_  
Alan Kottwitz, Chair  
Walla Walla Water Conservancy Board

Date: 6/9/04  
Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

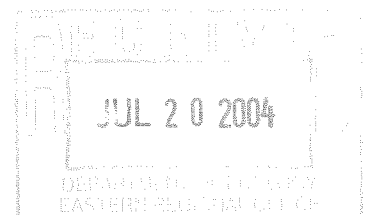
  
\_\_\_\_\_  
Brian Worden, Member  
Walla Walla Water Conservancy Board

Date: 6-9-04  
Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

  
\_\_\_\_\_  
Mike Dobbins, Member  
Walla Walla Water Conservancy Board

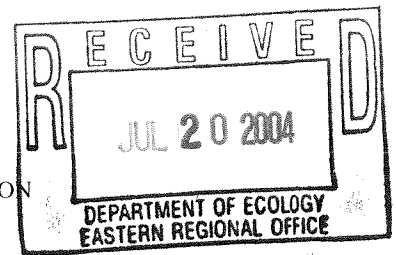
Date: 6-9-04  
Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via certified mail, and other interested parties on \_\_\_\_\_.



**Walla Walla County**  
**WATER CONSERVANCY BOARD**  
**Application for Change/Transfer**  
**Report of Examination**

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON



☒ Surface Water

☐ Ground Water

DATE APPLICATION RECEIVED 5/15/02	PERMIT NUMBER	CERTIFICATE NUMBER 9729	CHANGE APPLICATION NUMBER CS3-*18108CWRIS
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NAME Snake River Vineyards			
ADDRESS (STREET) 850 North Broadway	(CITY) Othello	(STATE) WA	(ZIP CODE) 99344

**Changes Proposed:**

Point of Diversion/Withdrawal ☒ Place of Use Purpose ☐ Temporary ☐ Other

**DECISION HISTORICAL SUMMARY**

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE Together with right #11864, 38.5 cfs, 9,330 acre-feet/yr for the seasonal irrigation on 2,870 acres						QUANTITY, TYPE OF USE, PERIOD OF USE Together with right #11864, 38.5 cfs, 9,330 acre-feet/yr for the seasonal irrigation on 3,010 acres					
Point of Diversion or Withdrawal						Point of Diversion or Withdrawal					
SOURCE Snake River		TRIBUTARY OF (IF SURFACE WATER) Columbia				SOURCE Snake River		TRIBUTARY OF (IF SURFACE WATER) Columbia			
NO.	1/4	1/4	SECTION 19	TOWNSHIP N. 9	RANGE, 32E	NO.	1/4	1/4	SECTION 19	TOWNSHIP N. 9	RANGE, 32E
Place of Use						Place of Use					
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED: Sections 29,30,31,32, S1/2 S1/2 Sect. 19, parts of section 20. See attachment B.						LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED Sections 29,30,31,32, S1/2 S1/2 Sect. 19, parts of section 20. See attachment B. Also includes 140.95 acres in SE1/4 Sect. 6 and NE1/4 Sect. 7, T. 8N, R32E. See attachments C and D.					
NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,	NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE, (
				9	32E						

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt ☒ Not exempt

Determination of Non-Significance issued 3/5/03.

Water Right Priority Date: **8/12/53**

## BOARD'S TENTATIVE DETERMINATION

MAXIMUM CUB FT/ SECOND <b>38.5</b>	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR <b>8,707*</b>	TYPE OF USE, PERIOD OF USE <b>Seasonal Irrigation of 3,010 acres</b>				
SOURCE <b>Snake River</b>			TRIBUTARY OF (IF SURFACE WATER) <b>Columbia</b>				
AT A POINT LOCATED: PARCEL NO. <b>Gov. Lot 6</b>	$\frac{1}{4}$	$\frac{1}{4}$	SECTION <b>19</b>	TOWNSHIP N. <b>9</b>	RANGE <b>32E</b>	WRIA <b>33</b>	COUNTY. <b>Walla Walla</b>
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED <b>Sections 29,30,31,32, S1/2 S1/2 Sect. 19, parts of section 20. See attachment B. Also includes 140.95 acres in SE1/4 Sect. 6 and NE1/4 Sect. 7, T. 8N, R32E. See attachments C and D.</b>							
PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE,		

\*Subject to consumptive use not to exceed 8,580

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## DESCRIPTION OF PROPOSED WORKS

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A river pumping station and associated pipelines, booster pumps and laterals to irrigate orchards and vineyards.

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## DEVELOPMENT SCHEDULE

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BEGIN PROJECT BY THIS DATE: 9/1/03	COMPLETE PROJECT BY THIS DATE: 9/1/06	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: 9/1/07
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## REPORT

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See WAC 173-153-130 - The following sections may be expanded onto additional pages.

### **BACKGROUND**

#### **A. General Background:**

The applicant has requested an additional 140 acres of irrigation on this water right and associated water right 11864. The applicant has been irrigating vineyards and orchards for many years. Changes in irrigation management practices would allow the irrigation of additional acreage without increasing diversions from the Snake River. See attached report.

#### **B. Applicant Request:**

See attached Investigative Report ("Report") provided by applicant.

### **COMMENTS AND PROTESTS**

Public notices published 2/13/03 and 2/20/03 and no protests or comments were received.

### **INVESTIGATION**

#### **A. Key Issues--Water Board Review:**

The Water Board's investigation has included several issues:

First, the change/transfer request by the applicant must be consistent with existing statutory code and case law affecting water right changes/transfers. The Water Board has reviewed the condition of the water right and change/transfer request, and the Water Board concludes that the water code and case law allows for the change/transfer request designated by the applicant and described within this ROE/ROD.

Second, the total amount of water diverted from the river under the change/transfer request must not exceed the actual historic use. No enlargement of the water right is permitted. The water right in question has been used along with another overlapping right, to irrigate various crops within the last 5 years. The Water Board concludes that the change/transfer will not expand the water right.

#### **B. Water Right Adjudication Process:**

This is not an adjudicated Certificate.

### **C. Public Notification Process:**

Public notification for the applicant's request was filed in the Waitsburg Times. A copy is provided in the attachments. The Water Board has received no public comments on this action nor has the WADOE notified the Water Board of any protests received from the public notification.

The application has been distributed to several state resources agencies, tribes, and interested parties, as recommended by WADOE or agency request. No comments have been received from these parties.

### **D. Verification of Existing Water Right:**

The applicant has supplied acreage and cropping pattern data and flow meter data which cover this right as well as 1 other filed at the same time. See attached "Report" prepared by the applicant.

The Water Board has reviewed the water right documentation, reviewed the applicant's technical information concerning the water right, is familiar with the existing water use and land operations, and has conducted its own review of the water right relative to change/transfer conditions as discussed above. The Water Board concludes that the water right is in good standing, subject to the conditions contained within this Record of Decision affecting change/transfer.

### **E. Field Examination:**

The field examinations were conducted by Brian Worden (WWWCB) and the applicant on site visits during the months of March and April 2003. Further, the Water Board is familiar with this area, in general. The field examination confirmed the information within the application request.

The field examination consisted of viewing the existing/proposed water use site, and the surrounding area. A visual examination of the site planned water use area was conducted, along with a review of the applicant's maps. In essence, the field investigations confirmed information provided by the applicant, WADOE, and through supporting application materials.

### **F. Technical Information, Investigations, or Reports Reviewed:**

The Water Board has reviewed the applicant's WADOE file and records contained therein, including any reports/comments submitted by WADOE staff, and pertinent WADOE records, and records of new applications for water rights or water right changes/transfers (received and reviewed via electronic data files).

The applicant has provided technical information, personal communications, and technical references requested by the Water Board, including data to verify the existing and proposed change/transfer request; and the applicant has communicated extensively with individual Water Board members to answer specific questions about the change/transfer request. The Water Board has conducted a field examination to verify the information contained within the applicant's permit of water right and technical report. The Water Board has requested and received supplemental information from the applicant. A future water use plan and an independent review of the plan was submitted by the applicant (attached).

### **G. Associated Rights and Uses:**

The applicant has filed 1 other request (WRATS numbers CS3-\*21411C), for change/transfer associated with this right.

**H. Review of Potential Impairment/Consumptive Use/Analysis of Annual Consumptive Quantity:**

Because the proposed action will not increase the existing permitted water use, or increase the water amount put to actual beneficial use, or measurably affect other existing water rights or applications for new water rights, no impairment is perceptible. A detailed impairment review is discussed in the applicants’ report, technical review and third party review.

This change will increase the number of irrigated acres that have been irrigated, although it will not in total exceed the authorized number of acres. The Board has determined that it would review the application as an expansion of acres and therefore has analyzed the change based on consideration of the Annual Consumptive Quantity formula in RCW 90.03.38. A full analysis is provided in the attached report.

A summary of the ACQ is provided below:

**Calculation – ACQ**

- Two Highest Years of Use

Total Water Use	Acre feet/acre (2,930 irrigated use)
8,889 acre feet per year ("afy")	3.03 afy/acre
8,600 afy	2.94 afy/acre

Average = 2.98 ≈ 3.0 afy/acre

**Total Allowed Use**

3.0 afy/acre x 2,870 = 8,610 afy  
or 3.0 afy/acre x 2,930 = 8,790 afy - 180 afy (60 acres) = 8,610 afy

- Consumptive Use Analysis for SRV Type Crops (using 2,870 acres)

Using CU for Richland from NRSC (completed by Board)  
9,132 afy or 3.18 afy/acre

Using WSU irrigation guide (submitted by SRV)  
9,284 afy or 3.23 afy/acre

Using WSU – dormant (submitted by SRV)  
9,542 afy or 3.32 afy/acre

Using Benton County Board (submitted by SRV)  
9,327.5 afy or 3.25 afy/acre

- Conclusion: SRV use of water at 3 afy/acre is less than quantity of water expected to be consumptively used.
- Regardless of the analysis that the water has been fully consumed, the Board will also analyze the use assuming return flow even with actual use of 3 afy.

If water application at 4-6 afy/acre water duty, return flow is 13%. Consumptive use analysis shows water is fully consumed at level of 3.18 afy.

If water application at 3 afy/acre application instead of 4 afy/acre is applied, this represents 75% of the normal minimum water duty of 4 afy/acre. In kind, the return flow rate will likely decrease in proportion: 75% of 13% return flow equals 9.75% return flow rate at 3 afy/acre. Therefore, return flow on 2,870 acres at SRV with application of 8,610 afy is 9.75% or 839.48 afy. Consumed water is 7,770.52 afy.

When the 8,610 afy is spread over 3,010 acres (adding 140 acres), the water duty is 2.86 afy/acre. 2.86 afy/acre is 72% of normal minimum water duty of 4 afy/acre. In kind, the return flow rate will likely decrease in proportion: 72% of 13% return flow equals 9.36% return flow rate at 2.86 afy/acre. Therefore, return flow on 3,010 acres at SRV with application of 8,610 afy is 9.36% or 805.96 afy. Consumptive use is 7,804.04 afy.

This shows that if there is return flow, the spreading of the same amount of water over 3,010 acres instead of 2,870 acres will be 33.52 afy (839.48 – 805.96) more consumptive. To address this possibility, the 33.52 will be subtracted from the 8,610 afy as available consumptive use of water to 8,576.42 afy  $\approx$  8,580 afy.

Based on the above analysis, if SRV limits its use of water to 8,580 afy, there will be no increase in the annual consumptive quantity of water used under the water right.

The proposed change/transfer will be beneficial in the conservation and management of water resources from existing practices for the following reasons: 1) there will be no increase in withdrawal on an annual/seasonal basis after the change/transfer, compared to existing withdrawals; 2) controls and monitoring on the quantity of water pumped will help ensure that the authorized quantity is not exceeded, as required under a metering plan; and 3) there will be no change in consumptive use.

The Water Board has published public notice of the proposed action and reviewed thoroughly any potential technical issues concerning impairment. No issues of impairment have been raised.

The field investigation revealed that the applicant's request for change/transfer is consistent with existing land and water use practices within the immediate area, reflecting the development of and consistency with local water system needs.

The change/transfer request is consistent with beneficial use considerations contained in RCW 90.03.380 and other applicable statutes. The change will not increase permitted water withdrawals or net depletions from the surface water source. More specifically, the subject application for change is consistent with public policy objectives of the Departments of Ecology and Health, to provide for efficient use of water resources, to encourage supply of new or expanding uses through transfer of existing water rights, to provide greater operational control to water managers, to encourage the development of regional water supply systems, and to provide adequate and safe supplies of water.

Given the change requested and the fact that no increase in water withdrawal from the existing surface water source will occur relative to that permitted, there is no reason to expect any impairments to other surface water sources, consistent with the conditions and provisions provided under the existing water right granted by the WADOE. Also, because the change/transfer proposed by the applicant does not affect withdrawals from new water sources or increase existing allowed net withdrawals from that currently permitted, the change request does not affect local conditions surrounding the status quo for water use, as permitted by WADOE.

The Water Board decision has no impact on WADOE's existing water right decisions, the condition of local groundwater resources based on empirical data, or the priority for water rights between junior and senior water right holders within the local area. The Water Board does include conditions within this ROE/ROD to ensure

that the public interest is protected--that they are consistent with actions that would be pursued by WADOE to avoid future or potential impairment problems-or regulation actions.

## **CONCLUSIONS**

1. The certificate of water right and existing beneficial use provisions are verified; the applicant is following appropriate conditions and procedures for a water right certificate; the water right is in good standing.
2. The proposed change/transfer will result in no increase in the annual quantity of water permitted. The change/transfer request will not increase the water right.
3. There will be no increase in withdrawals on an annual basis. In addition, full monitoring of the quantity of water pumped will help ensure that permitted water withdrawal is not exceeded.
4. Public notice has been provided for the proposed action; no public concerns have been voiced to the Water Board. Public notice and application submittal has been forwarded to several state resource agencies/tribes/interested parties for comment; the agencies have provided no comments objecting to or indicating conditioning application approval.
5. The proposed action creates no perceived detrimental impacts or impairments to other water right holders or permit applicants; adequate data and information exists to make this determination with confidence.
6. No protests concerning this application have been received by WADOE and provided to the Water Board. No state or tribal agency contacted has provided comments—negative or otherwise.
7. The proposed action is consistent with the intent of RCW 90.03.380, 90.44.100, 90.80 (as amended May 10, 2001) and recent case reviews by the Washington State Supreme Court.
8. The proposed action supports the public interest, is consistent with allowed beneficial uses, and is consistent with local area economic development needs and land uses.
9. All applicable fees have been paid and appropriate review information submitted to the Water Board.
10. The Water Board has provided for specific conditions in granting the conditional approval and Record of Decision to ensure appropriate beneficial use.

## **RECOMMENDATIONS**

It is recommended that the Change/Transfer request be approved as submitted to add a place of use.

## **PROVISIONS AND CONDITIONS**

### **A. Provisions:**

The applicant's water right change/transfer request to add place of use is conditioned by the Water Board with the following provisions:

1. By September 1, 2008, the applicant will notify the Water Resources Program, Eastern Region Office, WADOE, that project construction is completed, unless further extended for good cause.



2. Proof of appropriation (for actual beneficial use of water) is due to the Water Resources Program, Eastern Region Office, WADOE by September 1, 2009, unless further extended for good cause.

3. The WADOE shall undertake a proof inspection to certify actual development of the water right permit as amended.

4. The applicant will specifically provide the WADOE with flow meter estimates of water use for the total water right, including the following provisions: a measuring device approved by WADOE must be installed and the applicant will follow a metering plan, as requested by WADOE. Meters are to be installed at each well, and weekly readings shall be documented. Within 30-days of the end of each calendar year, the applicant shall send a copy of these data, on a form prescribed by WADOE, to the Eastern Regional Office, Spokane, Washington. Meter information shall indicate the meter type, the date of recording, and the name of the person taking the meter reading.

The applicant will provide the WADOE with a metering plan prior to use of the new points of withdrawal. The metering plan will take into account all water rights assigned to the changed points of diversion, ensuring that water withdrawals do not exceed the specified limits set for the operation of the combined water rights.

5. An approved measuring device(s) shall be installed and maintained for the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be submitted annually to Ecology by January 31st of each calendar year typically.

6. The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements". At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, weekly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.

7. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

8. Department of Ecology personnel, upon presentation of proper credentials and prior notification, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

Approved Unanimously by the WWCWCB  
Signed at Walla Walla, Washington  
This 9th day of June, 2004

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Alan Kottwitz, Chair  
Walla Walla Water Conservancy Board

**For attachments not included or for more information please contact:**

**Karen Tusa**  
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